UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 24 2012

REPLY TO THE ATTENTION OF: E-19J

Public Comments Processing
Attn: FWS-R3-ES-2012-0036
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, MN 2042-PDM
Arlington, Virginia 22203

Re: Draft Environmental Impact Statement and Proposed Habitat Conservation Plan and Incidental Take Permit for the Indiana Bat for the Buckeye Wind Power Project, Champaign, County, Ohio – EIS No. 20120211

To Whom It May Concern:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency (U.S. EPA) has completed its review of the Draft Environmental Impact Statement (Draft EIS) prepared by the U.S. Fish and Wildlife Service (USFWS) for a Habitat Conservation Plan (HCP) for a proposed wind turbine project in Champaign County, Ohio. Buckeye Wind LLC (Buckeye) has applied to USFWS for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA), for proposed impacts to the federally-endangered Indiana bat (*Myotis sodalis*). Buckeye has developed the HCP to ensure that impacts to the federally-listed Indiana bat are adequately minimized and mitigated in accordance with the requirements of Section 10 of the ESA.

USFWS proposes to approve the HCP and issue a 30-year ITP to Buckeye. The proposed project would occur within an approximately 80,000-acre area, and involve construction of up to 100 turbines along with associated access roads and infrastructure, with generation of up to 250 megawatts (MW) of electricity. U.S. EPA supports the development of renewable energy resources, as recommended in the National Energy Policy Act of 2005 and President Obama's New Energy for America plan, in an expeditious and well-planned manner. Using renewable energy resources such as wind power can help the nation meet its energy requirements while reducing greenhouse gas emissions.

The Draft EIS analyzes the impacts of three action alternatives as well as the "no action" alternative. The action alternatives differ only with respect to operation of the turbines. Under the Proposed Action, operational restrictions would include modifying turbine cut-in speeds and

feathering[1] based on the location of each turbine in relationship to the season and suitability as Indiana bat habitat. Cut-in speeds would range from the manufacturer's cut-in speed up to 6.0 m/s (13.4 mph). Periods over which modified cut-in speeds and feathering would be applied would vary based on seasonal considerations and the habitat in which each turbine is sited. HCP implementation would include post-construction monitoring, adaptive management, and mitigation focused on the Indiana bat, but would also benefit other avian and bat species.

Alternative A, the maximally-restricted operations alternative, would consist of the same build-out as the Proposed Action, with the exception that all turbines would be non-operational during the period when Indiana bats could be present in the project area (sunset to sunrise from April 1 through October 31 of each year). Mortality of all migratory tree bats, including the Indiana bat, would be substantially lower (if not zero) with this alternative. Because there would be negligible effects to the Indiana bat under this alternative, mitigation would not be required, no research would be conducted on bat-turbine interactions, and a HCP would not be implemented.

Alternative B, the minimally-restricted operations alternative, would consist of the same build-out as the Proposed Action, with the exception that all turbines would be feathered until a cut-in speed of 5.0 meters per second (m/s) (11 mph) is reached during the first one to six hours after sunset from August 1 through October 31 of each year. This alternative would include implementation of the HCP. Operations under Alternative B are expected to have greater adverse effects on spring/summer populations of Indiana bats than the Proposed Action. Additional mitigation for take of additional Indiana bats would likely be necessary to offset impacts.

According to the Draft EIS, all turbines and associated facility components would be sited in locations where land use would continue to be rural and agricultural. No direct impacts to (filling of) wetlands would occur. No more than 32 streams would be crossed for a total impact of 1,248 linear feet. Additionally, no more than 16 acres of trees would be cleared, and the three known Indiana bat roost trees noted in the Action Area would not be removed. The HCP includes several measures designed to avoid, minimize, mitigate, and monitor take of Indiana bats as a result of the Proposed Action, including post-construction monitoring and adaptive management to ensure that permitted take is not exceeded and mitigation is successful.

Based on our analysis, U.S. EPA rates the Draft EIS as "LO" (Lack of Objections). Please see the enclosed "Summary of Rating Definitions." U.S. EPA has no objection to the preferred HCP proposed by USFWS. Mitigation for the potential impact of the authorized take will be provided by the conservation program described in the HCP. Although we have no objection to the proposed action and HCP, we recommend the Final EIS clarify the following points in the Final EIS.

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[1] Feathering occurs where blades are rotated so that they do not catch the wind. Feathering at low wind speeds has been shown to decrease bat mortalities by blade strike by more than 50 percent. (Proposed Habitat Conservation Plan and Incidental Take Permit for the Indiana Bat (*Myotis sodalis*) for the Buckeye Wind Power Project Champaign County, Ohio; Volume II; June 2012)

Aquatic Resources - Streams

We commend avoidance of all wetlands within the project area. Additionally, we find the use of tables to present summary information for stream impacts (Table 5.2-1) very helpful to understand impacts at a glance. The Draft EIS indicates access roads, collection lines, and crane paths for the 100-turbine proposed project would cross no more than 32 streams and cause no more than 380.3 linear meters (1,248 linear feet) of impact. The Draft EIS also indicates that a Nationwide Permit will be obtained from the U.S. Army Corps of Engineers for project-related crossings of Waters of the United States. However, the EIS is unclear if these will be permanent or temporary impacts. It is expected that temporary stream impacts can be restored. The Final EIS should discuss temporary versus permanent stream impacts associated with stream crossings, restoration measures to be taken, and associated mitigation (if applicable).

Stream bank minimization and mitigation measures include clearing minimal amounts of vegetation followed by stabilizing the soil using native plants. We recommend that the Final EIS include a list of native plants suitable for stream bank revegetation that will be utilized during restoration activities.

Aquatic Resources - Floodplains

Although turbines will not be located directly in floodways, several turbine clusters would be located within mapped 100-year floodplains. The Final EIS, should clarify whether floodplain mitigation will be required. If floodplain mitigation is required, additional information on floodplain mitigation, including required mitigation ratios, locations, and narrative information should be provided in the Final EIS.

Aquatic Resources – Intermittent or Ephemeral Streams

The Draft EIS states that "when only underground collection lines cross perennial streams (i.e., no co-location of road crossings)…perennial streams crossings would utilize directional boring to avoid impacts. For intermittent or ephemeral streams, trenching would be done when the stream is dry." U.S. EPA supports directional boring of underground utilities to avoid direct stream impacts. However, there is a possibility that intermittent streams may not be dry during construction timeframes; as such, the assumption that open trenching will be done during no-flow conditions may not be possible. In the event that any intermittent or ephemeral streams have active flow at the time of construction, U.S. EPA recommends that a commitment be made to directionally bore the installation rather than open-trench through open stream flow. This commitment should be made in the Final EIS.

Rare, Threatened, and Endangered Species - Eastern Massasauga

Because the project area lies within the geographic range of the eastern massasauga rattlesnake, the potential for impacts to this species and its habitat were analyzed. As a result of a field review and wetland delineation, one area of suitable habitat within the project area, a 20-acre wetland, was identified. Project facilities will avoid this habitat; however, construction activities will occur near this wetland. As a result of Buckeye collaborating with the USFWS and the Ohio Department of Natural Resources, the access road that was previously located in close proximity to the wetland has been relocated and will be built at least 50 feet away from the wetland. We request this discussion be supplemented with additional information in the Final EIS related to

how the 50 ft. buffer was determined and whether a larger buffer would be more protective of the suitable habitat and species.

We appreciate the opportunity to review this Draft EIS. If you have any questions or comments regarding the contents of this letter, I can be reached via telephone at 312-886-2910 or via email at westlake.kenneth@epa.gov; Kathy Kowal of my staff can be reached at 312-353-5206 or via email at kowal.kathleen@epa.gov.

Sincerely,

Kathleen Kowal

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure – Summary of Rating Definitions

cc: Megan Seymour, USFWS, Ohio Ecological Services Field Office
Jennifer Norris, Ohio Department of Natural Resources